

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: by defendant 8-17-70

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>Byron V. Boone and Audray S. Boone, his wife,</p> <p>vs</p> <p>The United States of America</p>		<p>For plaintiff:</p> <p>Royce H. Savage 914 World Building Tulsa, Oklahoma 74103</p> <p>James O. Ellison 914 World Building Tulsa, Oklahoma 74103</p> <p>Gene A. Castleberry 1911 Liberty Bank Building Oklahoma City, Okla. 73102</p>			
		<p>For defendant:</p> <p>Nathan G. Graham, Asst. U. S. Atty. Robert P. Santee, Asst. U. S. Atty. 460 411 U. S. Court House Tulsa, Oklahoma</p> <p>Ben A. Douglas, Tax Division Department of Justice 8E2 x7A06 Federal Building 1100 Commerce St xFort Worth, Texas x76102 Dallas, Tex. & Wendall Barnett 75202</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-70	Clerk	6-3-70	Boone	15 00	
		6-4-70	C/D 52		15 00
J.S. 6 mailed 3-1-72	Marshal				
Basis of Action: Income Tax Refund	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-3-70	Complaint, filed. x summons issued x b	
6-4-70	Summons returned & filed - served U.S. Attorney in Tulsa, Okla., and Attorney General on June 4, 1970., (Fee \$3.00) bv	
6-25-70	Return on service of writ, filed: served USA by serving Clyde L. Bickerstaff at Okla. City on 6-24-70. (USM \$4.00)g	
8-3-70	Defendant's motion for enlargement of time within which to answer or otherwise plead, with brief, filed. b	
8-4-70	Order filed that the defendant is granted until August 19, 1970 within which to answer or otherwise plead. (Fred Daugherty - Judge) b	
8-14-70	Defendant's answer, filed. ds	
8-17-70	Defendant's jury demand, filed. b	
9-25-70	Plaintiffs' Interrogatory propounded to Defendant, filed. ds	
11-28-70	Order filed, defendant may answer plaintiffs' interrogatory is extended to Nov. 25, 1970. (Fred Daugherty - Judge) b	
11-30-70	Answer to interrogatory, filed. g	
12-3-70	Plaintiffs' supplemental interrogatories propounded to defendant, filed. b	
1-5-71	Defendant's responses to plaintiffs' supplemental interrogatories, filed. g	
2-24-71	Ordered by the Court that this case is set for pre-trial on March 3, 1971 at 9:40 A. M. (Fred Daugherty - Judge) b	
2-25-71	Ordered by the Court that this case is stricken from the pre-trial assignment of March 3, 1971 by agreement of counsel. (Fred Daugherty-Judge) b letter mailed	
2-26-71	Department of Justice's letter to Judge Daugherty to have case stricken from pre-trial assignment, filed. b	
4-5-71	Deposition of Byron V. Boone, on behalf of defendant, taken by Glen R. Dorrough, CSR, filed. \$18.00 pd by defendant. ds	
4-5-71	Ordered by the Court that this case is set for pre-trial on Wednesday, April 14, 1971 at 10:20 A. M. (Fred Daugherty - Judge) b	
4-12-71	Ordered by the Court that this case is stricken from the pre-trial assignment of April 14, 1971 by agreement of counsel. (Fred Daugherty-Judge)	
4-12-71	Depositions of Leonard H. Savage and John N. Singletary, taken on behalf of defendant on 3-22-71, by Maynard E. Peterson, CSR, filed. \$65.00 pd by defendant. ds	
5-14-71	Ordered by the Court that this case is set for pre-trial on Thursday, June 10th, 1971 at 11:15 A. M. (Fred Daugherty - Judge) b	
6-10-71	Pre-Trial Hearing held. Parties represented. Statements made. Govt. to prepare brief within 30 days. Pltf. to respond to defts. brief within 15 days thereafter. Govt. to file requested instructions within 45 days and pltf. directed to respond within 10 days thereafter. Pltf. to prepare the Pre-Trial Order. Case to be tried by Jury Trial. (FD-J)r	
7-2-71	Letter from Ben A. Douglas to J. D. dated 6-29-71 requesting an extension of time to 8-1-71, filed. r	
7-2-71	Ordered by the Court granting Def't. extension of time to 8-1-71 to file brief. (FD-J) (Letter mailed)	
8-2-71	Brief for the defendant, filed. v	
8-16-71	MINUTE ORDER: Ordered by court granting extension of time to file brief of pltf to 8-23-71. (FD-J)r	
8-23-71	Plaintiff's brief, filed. ds	
8-25-71	Pre-Trial Order, filed. (FD-J)r	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-3-71	Ordered by the court, to transfer this case to Judge Edwin Langley (FD-J)r	
9-13-71	Case set for jury trial before Judge Langley Tuesday 10-12-71 at 9:30 a.m. (Edwin Langley-J)m	
9-16-71	Defendant's requested instructions to the jury, filed. g	
9-15-71	Case stricken from jury assignment of 10-12-71. (Edwin Langley-J)m	
9-15-71	Case set for pre-trial hearing in Muskogee, Okla. on 10-14-71 at 1:30 p.m.. (Edwin Langley-J)m	
9-15-71	Case set for jury trial 11-16-71 at 9:30 a.m. (Edwin Langley-J)m	
9-28-71	Plaintiffs' requested instructions to the jury, filed. g	
10-1-71	Plaintiff's requests for admission, filed. ds	
10-1-71	Case stricken from docket of 11-16-71, and reset for jury trial on 11-29-71 at 9:30 a.m. (E. Langley-J)g	
10-21-71	Notice to take deposition of Joe McGee in Missouri at 9 A.M., Sept. 27, 1971 by the Deft., U.S.A., filed. v	✓
11-2-71	Plaintiffs' list of witnesses, filed. ds	
11-2-71	Response to Plaintiffs' Requests for Admission, with Affidavit, filed.v	
11-4-71	Dep. Subpoena, ret. & filed: served Joe McGee on 10-26-71. (\$3.44)g	
10-14-71	Pre-trial hearing held in Muskogee. Parties to prepare pretrial order and submit to Court for signature. (Edwin Langley-Judge)m	
11-17-71	Joint stipulation of parties to waive jury demand, filed. ds	
11-29-71	Answers and deposition of Elias Paul Barnhart, filed. v	
11-29-71	Case called for Non-Jury trial. Pltf represented by Gene Castleberry and Royce H. Savage; Deft. represented by D. Wendall Barnett and Michael E. Croffer. Deft moves for Judgment on grounds pltf. has not carried his burden of proof. Motion denied. Court takes case under advisement. Parties submit simultaneous briefs and suggested findings and conclusions by 12-31-71 and reply briefs by 1-10-72. Parties granted leave to withdraw any original exhibit and substitute copies. Pltf's Exhibits 1 thru 6 in exhibit room. r	
11-29-71	Deft's Exhibits 1 thru 20 in exhibit room. r	
12-2-71	Subpoenae, ret. & filed: served John Singletary and Lee M. Copus at O.C., 11-26-71; Leonard H. Savage not served at request of atty. (USM \$7.80)g	
12-30-71	Post Trial Brief for the Plaintiffs, filed. v (Copy sent to Judge with Findings of Fact and Conclusions of Law)	
1-3-72	Brief for the Deft, filed. r (copy to J.Langley)	
1-3-72	Proposed Findings of Fact and Conclusions of Law, filed. (Copy to J.Langley)	
1-10-72	Reply brief for the plaintiffs, filed. g (cpy to J. Langley)	
1-12-72	Reply brief for the def., filed. rm (copy to J. Langley)	
1-26-72	Findings of fact and conclusions of law, filed. (Edwin Langley-J)hm (copies mailed)	
2-8-72	Minute Order: Ordered that Clerk deliver defendants Exhibits 7, 8, 9, 10 and 11 to Judge Royce Savage, one of attorneys for plaintiff, for use in case of Oliver vs. U.S.A. now pending in the U. S. District Court for the Western District of Oklahoma upon further order of this court. (EL-J) rm	
2-16-72	Judgment, filed and entered. Plaintiffs to recover judgment in the sum of \$46,412.88 with interest from 2-26-68, and costs. Judge Edwin Langley. ds <i>Copies mailed attys -</i>	
3-8-72	Transcript of proceedings on 11-29-71, before Honorable Edwin Langley, Judge, filed. Stephen D. Allen, CSR. ds	
	over	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-10-72	Transcript of proceedings held on 11-29-71, at Tulsa, Oklahoma, filed. Stephen D. Allen, CSR. ds	
4-12-72	Notice of Appeal by the Deft., U.S.A., filed. v -copies mailed to parties and to the 10th Circuit.	
5-22-72	Defendant's motion for enlargement of time to transmit record, filed. ds	
5-25-72	Order, allowing to and including 7-11-72 within which to transmit record on appeal, filed. (Edwin Langley, Judge) ds (copies mailed all attys & J Langley)	
6-6-72	Appeal record (4 vols.) sent to USCA. g	
1-10-73	Mandate and Opinion of USCA, 10th Circuit, affirming judgment of 2-16-72, filed and spread of record. g	
1-11-73	Appeal record (4 vols.) rec'd from USCA. g	
3-23-73	Amended Judgment, that Pltfs shall recover judgment in the amt of \$46,412.88 plus assessed int. of \$7,943.56 w/statutory int. according t o law from 2-26-68 and that pltf shall be permitted the recovery of their costs. filed and entered. (Edwin Langley-Judge) r (Copies mailed)	
4-2-73	Bill of Costs in sum of \$302.86, filed and taxed. v, g	
6-6-73	Release and Satisfaction of Judgment, filed. jj	